

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for October 13, 2004 PLANNING COMMISSION MEETING

P.A.S.: Misc #04010

PROPOSAL: To revise the text of Design Standards Chapter 1.0 (Section 2.2) and Chapter 3.75.

CONCLUSION: In conformance with the Comprehensive Plan.

<u>RECOMMENDATION:</u>

Approval

GENERAL INFORMATION:

COMPREHENSIVE PLAN SPECIFICATIONS:

"Promote the preservation, maintenance and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods." (Page F 68)

"Require new development to be compatible with the character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use." (Page F69)

ANALYSIS:

1. This is a request to amend the City of Lincoln Design Standards Chapter 1 General Provisions and Chapter 3.75 Neighborhood Design Standards.
2. The Neighborhood Design Standards were first adopted in 1989 to apply to Residential Conservation (R-C) Districts, a zoning overlay. Four areas were designated as R-C Districts in the 1990s. They were intended to guide compatible new in-fill residential development in well-established, higher density (R5 to R8) zoning districts. In 2000 the R-C District chapter was repealed and the Neighborhood Design Standards were applied to all new infill development in R4 through R8 residential districts within that portion of Lincoln included in the 1950 corporate limits. In 2004 the Standards were enacted to apply to R1 through R3 areas as well, within the same 1950 corporate limits.
3. The proposed amendments to the Neighborhood Design Standards are intended to adapt the original standards to guide compatible development in the wider range of areas to which they now apply. A strengthened waiver process is also offered to provide more flexibility in expeditiously approving projects that meet the intent of the Standards. Appeal responsibility would be transferred from the Historic

Preservation Commission to the Urban Design Committee, in keeping with the broader range of areas now subject to the Standards.

4. Chapter 1, Section 2.2 of the Design Standards is also proposed for amendment, to conform with the proposed switch from Historic Preservation Commission to Urban Design Committee as the body that hears appeals. Revisions to Chapter 4.36 of the Lincoln Municipal Code "Urban Design Committee" will also be offered to the City Council to reflect this addition to the "Duties and Powers" of that Committee.
5. The proposed Standards are also strengthened in the areas of windows in main facades, porches, treatment of street facades on corner properties, location of garages, and front yard parking, in an effort to address concerns that have arisen in the application of the current Standards.
6. Eight letters or emails of support for the proposal have been received from individuals and/or neighborhood associations including Peggy Struwe for the Hawley Area Association, Carol Brown for the Landon Neighborhood Association, Jennifer Brinkman for the East Campus Community Organization, Greg McCown for the Near South Neighborhood Association, and Kitty Fynbu for Irvingdale Neighborhood Association (enclosed).

Prepared by:

Ed Zimmer, 441-6360, ezimmer@ci.lincoln.ne.us

DATE: October 4, 2004

APPLICANT: Marvin S. Krout
Director of Planning
Planning Department

CONTACT: Ed Zimmer
Planning Department
(402)441-6360

Amendment to Design Standards, Chapter 1.0

Section 2.2

last paragraph revised to read:

...and any request for deviation of the Neighborhood Design Standards may be approved by the ~~Historic Preservation Commission~~ Planning Director or the Urban Design Committee as provided in said design standards.

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Chapter 3.75

NEIGHBORHOOD DESIGN STANDARDS

*The Planning Department is assigned responsibility
for administration of these design standards.*

Section 1. INTRODUCTION

Certain areas of Lincoln within the well-established neighborhoods have evolved into relatively dense residential sections which retain much of the traditional physical character of their original lower density development. *These are areas of the City that were ~~annexed prior to~~ within the city limits on December 31, 1949, and are potentially eligible for the National Register of Historic Places.* The purpose of the Neighborhood Design Standards is to encourage rehabilitation of existing housing in such areas, while allowing necessary new construction that is compatible with the surrounding development.

The standards focus on a limited number of basic design elements which have significant effect on compatibility, such as orientation of windows and entrances toward the street, height and massing, and location of parking. The written standards are accompanied by a sketchbook which both illustrates the basic requirements and makes suggestions of additional means and ideas to achieve greater compatibility of multi-family construction. Together, the design standards and the sketchbook are intended to encourage neighborhood associations, developers, and builders to look closely at the existing features of older areas and to think about the effect new building design has in those neighborhoods. These standards and suggestions cannot guarantee good design—only the talents and efforts of owners, designers, and builders do that—but they hopefully will eliminate certain design features that most negatively impact the character of older neighborhoods. (Amended 3-1-2004; Resolution No. A-82591).

Section 2. WORK REQUIRING REVIEW

The design standards apply to new construction of principal buildings on land located within the R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 districts, and subsequent modifications to those buildings, provided such land was ~~annexed and made part of~~ within the corporate limits of the City prior to on December 31, 1949.

The following categories of work do not require review under the Neighborhood Design Standards (although other building and zoning codes may apply):

1. Alterations to buildings existing at the date of enactment of these standards (date);
2. Landscape changes to existing developed sites;
3. Construction of accessory buildings on existing developed lots;
4. Any interior aspects of new or existing construction.

(Amended 3-1-2004; Resolution No. A-82591).

Section 3. APPLICATION AND REVIEW PROCESS

The review process for the Neighborhood Design Standards in the R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 districts is designed to parallel the current building permit review process. That is, review for compliance with the Neighborhood Design Standards will take place at the same time that other components of the building permit are examined. In doing so, all attempts are made to avoid increased time for review and approval. To facilitate this administrative review process, the applicant will be requested to submit certain additional items with the normal building permit application. Those items are as follows:

1. At least one black or blue line print showing the principal street facade, the side facades, and the site plan of the proposed building.
2. A photograph or photographs showing the site and adjacent buildings.
(Amended 3-1-2004; Resolution No. 43291).

Section 4. GENERAL REQUIREMENTS

4.1 Building Elements

1. New buildings shall utilize a roof type and pitch commonly found within the same and facing block front. Hipped or gable roofs with pitch of at least 22.5 degrees (6/12 pitch) are acceptable for any project regulated by the Neighborhood Design Standards in any district. Roofs of lower pitch and other types may be compatible in specific districts, and can be proposed and approved on an individual basis. In such cases, the applicant should cite specific examples within a block of the project location the district comparable to the proposed building in height and to the proposed roof in type and pitch.
2. Existing residential structures within established neighborhoods typically share similar design features, such as a common orientation to the street, seen in the location of entrances, windows, and porches. New buildings shall provide at least two openings (combination of windows or door) per story oriented to the street and shall provide including at least one window and an entrance to a dwelling unit or to a hallway leading to a dwelling unit.

On corner properties with two required front yards, the principal facade for purposes of orientation (requiring door and windows) shall match the predominant pattern on the same and facing block fronts, if such a pattern exists. The other required front yard shall not be required to have an entrance to a dwelling unit but shall meet other requirements for a principal facade (regarding windows, limitations on garage doors, and building length).

3. Use of Front porches is strongly encouraged. are required, when half or more of the houses on the same and facing block fronts or on adjacent blocks have front porches. Front porches shall be equal in width to at least 50% of the length of the

front facade and equal in depth to half the depth of the front yard, or ten feet, whichever is less. Smaller porches may be approved based on evidence of a prevalent pattern of smaller porches on the same and facing block fronts or on the adjacent block faces.

4. Exterior stairs serving second floor units are not allowed on street facades.
5. The elevation of the first floor level of new dwellings shall generally match the predominant pattern of the same and facing block fronts. In other words, if the first floor of most houses in an area are positioned three or four steps above the prevailing grade, new dwellings should have a similar height of first floor, and if most surrounding houses are one or no steps above grade, new construction should match this characteristic. (These Design Standards do not supercede floodplain or accessibility standards but neither are these Standards waived for those other public purposes. Good design and planning can meet multiple objectives.)
6. In areas subject to these Standards that do not have prevailing patterns (such as new streets developed as Community Unit Plans [CUPs]), the general intent is to produce dwellings which are oriented to principal access ways and have the "neighborly" design characteristics called for in these standards, while respecting the creative design elements fostered by CUPs.
7. Garages, if constructed, shall follow the predominant pattern of the residential properties on the same and facing block front, such as:
 - a. if the predominant pattern in an area is that garages are detached and located behind the house, that pattern shall be followed;
 - b. if the predominant pattern in an area is that garages are attached or that garages are part of the main building with doors facing the street, doors for not more than two stalls are permitted on a portion of the main building facing a front lot line, provided such doors shall not occupy more than 40% of the length of the principal street facade. Garage doors are permitted in the main plane of the facade or forward of the main plane only when documentation is provided that such a feature is the predominant pattern in an area (such as post-World War II "ranch" houses)
 - c. if there is no predominant pattern on the same and facing block front, garages may be attached and face the street provided the garage portion of the building is set back from the main plane of the principal facade at least five feet.
8. Height of new buildings should be similar to that of existing residences on the same and facing block fronts. New buildings shall be acceptable that are not taller than the tallest residential structure, nor shorter than the shortest residential

structure, built prior to December 31, 1949 on the contiguous block face, provided that:

- a. the maximum allowable height shall not be reduced to less than twenty-eight (28) feet, and
- b. if the height permitted under this section would exceed that permitted in the underlying district, the new building shall be no taller than an existing adjacent building. Taller structures may be approved on a case-by-case basis, when a steeper roof would increase compatibility between the new building and adjacent older residences.

9. In order to encourage variation of the front elevation, up to twenty-five percent (25%) of the length of the principal street facade may be constructed up to two feet (2') into the required front yard. Use of this provision, however, cannot increase the extension of porches into a required front yard beyond that otherwise allowed in Sections 27.71.100 and 27.71.110 of the Zoning Ordinance.

10. The rhythm of similar width houses on similar width lots does much to establish the character of Lincoln's established residential areas. Large new buildings disrupt this character, unless design measures are employed to reduce their apparent scale. New buildings over fifty feet (50') in length on the principal street facade should be designed to maintain the rhythm of the existing adjacent buildings. Designs will be bound to meet this standard which offset the principal street facade and roof at intervals of fifty feet (50') or less. These offsets shall be at least six feet (6') in depth, and the portions of the facade offset shall equal at least 10% of the length of the facade. Alternative designs that maintain the rhythm of the blockface by such means as shifts in materials within the facade, use of multiple porches and/or dormers, and grouping of windows and entrances, may also be approved on a case-by-case basis.

4.2 Yards and Open Space

1. Elevated walkways, or balconies serving more than one unit shall not be located on a portion of the building facing a front or side yard, nor shall open space credit be given for any walkways or balconies.
2. Entrances to the building shall not be located on a portion of the building facing a side lot line unless the entire building is at least ten feet (10') from that side lot line.
3. No more than one mechanical unit, such as air conditioning units, shall be located within each required front or side yard and not more than three in any required side yard, provided that multiple units are spaced at least twenty feet apart. Such accessory structures will be screened from adjacent properties if located within a required front yard or within ten feet (10') of a side lot line.

4. Care should be taken to preserve existing street trees. Any trees removed shall be replaced in accord with the city's Master Street Tree Plan, and additional trees shall be planted as necessary to reach a standard of one street tree per fifty feet (50') of street frontage.

4.3 Parking

1. No required parking space shall be allowed between the building and the front property line in the R-5, R-6, R-7 and R-8 districts. Driveways and parking aprons in the front yard may not measure more than 20 feet wide.
2. Trees in addition to any others required elsewhere shall be planted within five (5) feet of a parking area at the rate of one tree for every six (6) parking spaces.
3. Parking areas of four or more stalls shall be screened from adjacent properties. Fences may be used for screening in rear yards.

Section 5. WAIVERS AND APPEAL

If the proposed building plan is found to be not in compliance with Neighborhood Design Standards, the applicant may appeal that finding to the Director of Planning, who may waive strict conformance with the Standards upon written finding that the design enhances its setting and meets the intent of the Neighborhood Design Standards. Owners of adjacent property within 200 feet shall be notified by first class mail of such waivers.

Decisions of the Planning Director may be appealed to the Historic Preservation Commission Urban Design Committee within ten (10) days of the date of the notification mailing. The applicant party appealing should provide the Commission Committee with any information that demonstrates whether or not the proposed design is compatible with the affected underlying zoning district and whether it meets the intent of the Neighborhood Design Standards.

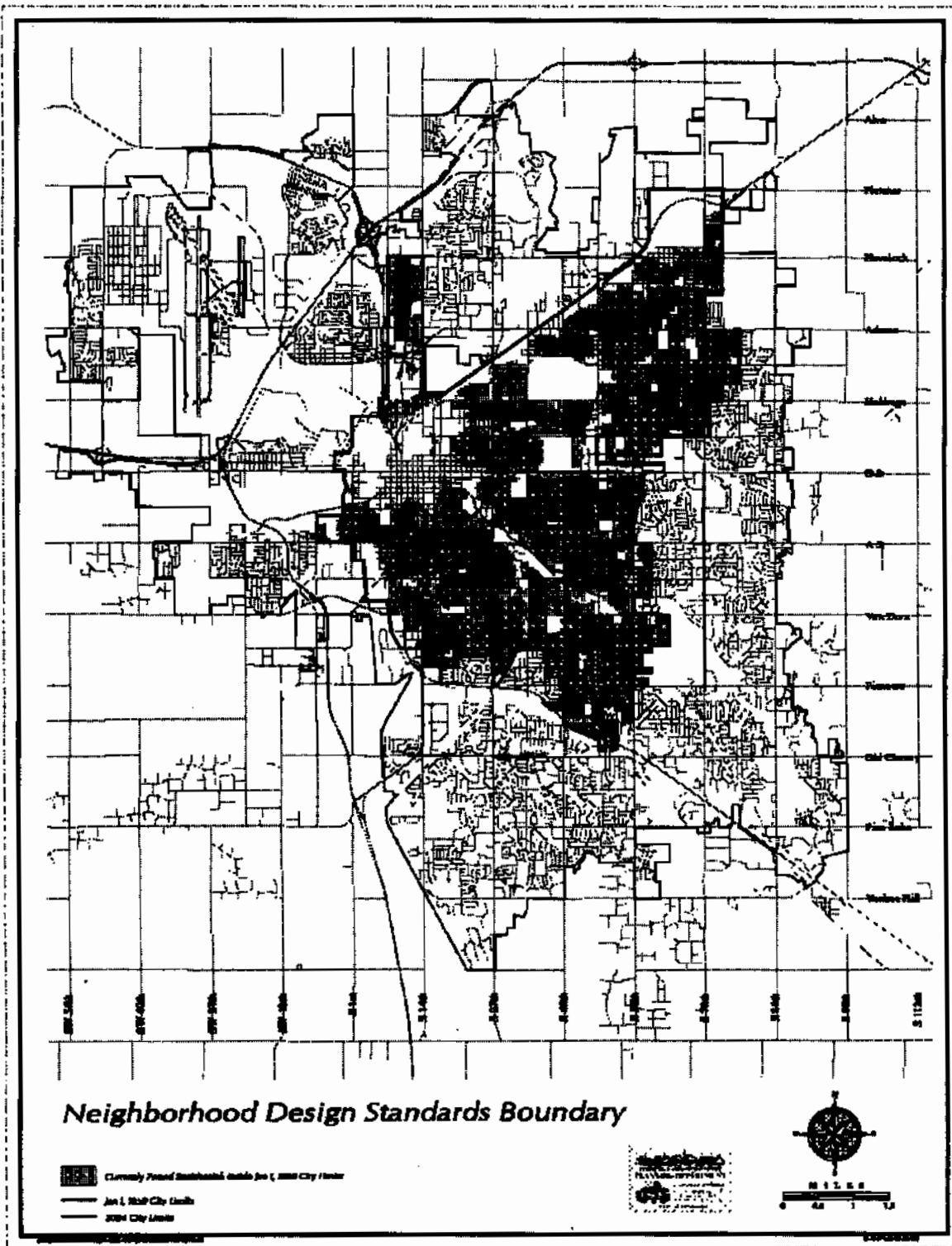
The Historic Preservation Commission Urban Design Committee shall review the proposed design and any additional information, and shall make a written finding upholding or reversing the administrative decision. The Commission Committee may find a design compatible that varies from specific design standards, but meets the overall intent of the Neighborhood Design Standards. If the Commission Committee upholds an administrative finding that a design is not compatible, the Commission Committee may recommend changes to the proposed building permit application in order to meet the intent and purpose of the Neighborhood Design Standards.

If the Historic Preservation Commission Urban Design Committee upholds a finding of non-compatibility the Planning Director, the applicant party appealing may appeal this finding to the City Council. The City Council shall review the Commission's Committee's recommendations in considering the applicant's request to modify or waive any of the Neighborhood Design Standards. If the Council approves a waiver(s) to these standards, the applicant may resubmit the

building plans for building permit review. Should Council affirm the recommended changes by staff or ~~Historic Preservation Commission~~ Urban Design Committee, the applicant shall make such changes prior to resubmitting the building permit application.

1 October 2004 I:\UDC\NeighDS\3.75 - Neighborhood Design Standards.wpd

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To: Planning Commission

From: Hawley Area (Neighborhood) Association Board

Topic: Neighborhood Design Standards

On behalf of the Hawley Area Association, we support the Neighborhood Design Standards. All of us living in older areas of the city have 'slip ins' which do not reflect the surrounding housing structure and design. They stand out and look out of place.

New housing stock, whether it is apartments, duplex or single family housing, should follow the design of the other housing predominate on the block and in the area. For this reason, neighborhood housing standards are needed.

Peggy Struwe, President Hawley Area Association
530 North 25th Street
Lincoln, NE 68503



Jean L Walker

09/29/2004 08:08 AM

To: Edward Zimmer/Notes@Notes, Stephen S Henrichsen/Notes@Notes,
Marvin S Krout/Notes@Notes
cc:
Subject: Design Standards

Ed - another one for your NDS report.

--Jean Walker, Administrative Officer
City-County Planning Department
441-6365

----- Forwarded by Jean L Walker/Notes on 09/29/2004 08:08 AM -----



"Carol B"

<carolserv@hotmail.com>

09/28/2004 08:09 PM

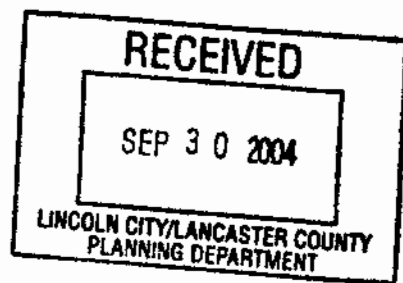
To: plan@ci.lincoln.ne.us
cc:
Subject: Design Standards

Jean,
Could you pass this along for me please?
Thanks,
Carol

Dear Planning Commissioners and Planning Department:

Landons Neighborhood Association would like to cast its support for the proposed Neighborhood Design Standards, being brought forward by Ed Zimmer from the Planning Department. We feel that these changes would create residences that complement the original architectural design elements of the existing character in a neighborhood. Neighborhood Design Standards has had great success by encouraging rehabilitation of existing houses and promoting compatibility in the design of new construction. These new amendments are now proposed to refine and strengthen the already successful standards. Please consider adoption of these standards.

Thank you,
Sincerely,
Carol Brown
Secretary Landons Neighborhood Association



September 23, 2004

Lincoln-Lancaster County Planning Commission
Lincoln-Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508

Dear Members of the Planning Commission:

On behalf of the East Campus Community Organization Board of Directors, I am writing to express our support for Miscellaneous Item #04010, which would amend the current ordinance text regarding porches, garages, street facade & orientation, exterior stairways, and driveways with regard to Neighborhood Design Standards. The Board voted unanimously to support this concept at our September 9, 2004 meeting.

The East Campus neighborhood has witnessed the construction of several new residences under the current neighborhood design standards. We are confident that the proposed changes will ensure that additional new construction will better reflect the character and architecture of our existing neighborhood. We are especially supportive of the provisions regarding street facades and orientation because of our recent experience.

We are also pleased to see proposed changes regarding garages and driveways included in this proposal. We value the historical nature of some sections of our neighborhood and believe designing garages to match the predominate orientation of the block will help us preserve that history. In addition, we constantly struggle to accommodate the parking needs of individuals visiting the University of Nebraska-Lincoln East Campus. We understand the desire to provide additional parking, but applaud the proposed change that will discourage paving most of the front yard. We believe the application of these amendments will enhance our ability to preserve the unique character of our neighborhood.

I urge your support for Miscellaneous Item #04010. Thank you for your consideration.

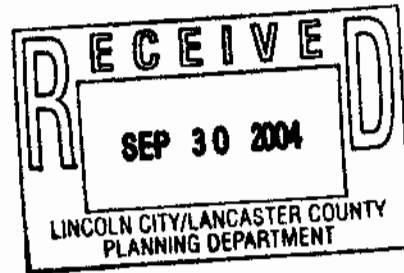
Sincerely,

Jennifer J. Brinkman
President



Mayor Coleen Seng
Council Members
Planning Commission
Planning Department

September 30, 2004



At our monthly board meeting of September 13, 2004 the Near South Neighborhood Association voted in support of the amendments to the Neighborhood Design Standards (Misc #04010). NSNA has been a firm supporter of Neighborhood Design standards since their creation over twenty years ago, and the Near South neighborhood serves as an outstanding example of the importance of these design standards. The new amendments would add several very important design elements into the planning of any new construction. These changes will protect the investments that property owners have made in our existing neighborhoods by helping ensure design compatibility for any new construction of a principle building.

Near South Neighborhood Association thanks you for your attention to this important matter. We urge your careful consideration, and would appreciate your vote of support.

Sincerely,

Greg McCown - President



Jean L Walker

10/04/2004 08:02 AM

To: Edward Zimmer/Notes@Notes

cc:

Subject: Support of Neighborhood Design Standards !!

--Jean Walker, Administrative Officer
City-County Planning Department
441-6365

----- Forwarded by Jean L Walker/Notes on 10/04/2004 08:02 AM -----



Remalone36@aol.com

10/03/2004 11:42 AM

To: plan@cl.lincoln.ne.us

cc:

Subject: Support of Neighborhood Design Standards !!

I Support Neighborhood design standards !!!!
Renee Malone - Clinton Neighborhood

NEIGHBORHOOD DESIGN STANDARDS

Amending text for porches, garages, street façade & orientation, exterior stairways, and driveways within the Neighborhood Design Standards.

The Neighborhood Design Standards have been a great success in encouraging rehabilitation of existing houses and promoting compatibility in the design of new construction. The standards apply only to the construction of a principle new building not rehabs or additions. New amendments are now proposed to refine and strengthen the already successful standards. The amendments address such design elements as street façade & orientation, porches, exterior stairways, garages, and driveways. These changes continue the approach of asking that new buildings respect the design characteristics of the existing block. Highlights include:

- **Street façade and orientation:** New buildings shall provide at least two windows or doors oriented to the street. Also, on corner properties, the principal façade requiring the doors and windows shall match the predominant pattern on the block.
- **PORCHES:** Front porches equal to 50% of the length of the front façade are required, when half or more of the houses on the block have similar front porches.
- **EXTERIOR STAIRWAYS:** Exterior stairs serving second floor units are not allowed on the street façade.
- **GARAGES:** New buildings should design their garages to match the predominate orientation of the block. On blocks with detached garages in the rear, the new building should also have its garage in the rear. If the predominant pattern is attached or garages as part of the main building, then that pattern should be respected.
- **DRIVEWAYS:** To avoid paving most of the front yard, driveways and parking aprons in the front yard may not measure more than 20 feet wide. Parking areas of four or more stalls in the rear shall be screened from adjacent properties.



Jean L Walker
10/04/2004 08:01 AM

To: Edward Zimmer/Notes@Notes
cc:
Subject: support for design standards

--Jean Walker, Administrative Officer
City-County Planning Department
441-6365

--- Forwarded by Jean L Walker/Notes on 10/04/2004 08:01 AM ---



"Kitty Fynbu"
<misskitty@neb.rr.com>
>

10/04/2004 07:55 AM

To: <plan@ci.lincoln.ne.us>
cc:
Subject: support for design standards

Members of the council-

The Board of the Irvingdale Neighborhood Association supports the revised version of Design Standards for existing neighborhoods. The standards are intended to encourage neighborhood associations, developers, and builders to look closely at the existing features of older areas. New construction should not detract from the existing character of neighborhoods, but should create residences that harmonize with the original architectural design elements.

Thank You

Kitty Fynbu
President, INA



Jean L Walker

10/05/2004 08:15 AM

To: Edward Zimmer/Notes@Notes
cc:
Subject: support design standards

—Jean Walker, Administrative Officer
City-County Planning Department
441-6365

— Forwarded by Jean L Walker/Notes on 10/05/2004 08:15 AM —



**Cassandra Volanges
Stajduhar**

**<cassandravolanges@
yahoo.com>**

10/04/2004 09:34 PM

To: plan@ci.lincoln.ne.us
cc:
Subject: support design standards

I hope that the planning commission will adopt the new amendments to the Neighborhood Design Standards; they offer an opportunity to support wise growth in older Lincoln neighborhoods.

Sincerely,
Cassandra Stajduhar
1990 C Street
Lincoln, NE 68502



Jean L. Walker

10/05/2004 08:20 AM

To: Edward Zimmer/Notes@Notes
cc:
Subject: Neighborhood Design Standards

—Jean Walker, Administrative Officer
City-County Planning Department
441-6365

— Forwarded by Jean L. Walker/Notes on 10/05/2004 08:20 AM —



**LDavidAnderson@aol.
com**

10/05/2004 08:18 AM

To: plan@ci.lincoln.ne.us
cc:
Subject: Neighborhood Design Standards

Dear Planning Department and Planning Commission members:

I own and manage 40 apartments in older neighborhoods. I support the proposed new design standards which are currently being discussed by you.

These standards will attract and help keep good and stable tenants in the older neighborhoods by making the neighborhoods attractive places for people to live. Long term tenants have a stake in their community and these stakeholders help maintain a quality of life which is attractive to new comers as well.

Please vote for the new design standards.

David Anderson
Anderson Berry Properties
1834 G Street
Lincoln, NE 68508

402/476-6007 432-1955